

REMARKS

Claims 1-11 and 13-19 are pending herein. Claims 12 and 20 have been cancelled without prejudice or disclaimer.

Claims 1-6, 8-10, 12-17, 19 and 20 were rejected under 35 USC §103(a) over Strong, Antonious, and Vlach; Claim 7 was rejected under 35 USC §103(a) over Strong, Antonious, Vlach and Cabot; and Claims 11 and 18 were rejected under 35 USC §103(a) over Strong, Antonious, Vlach and Thompson. For the reasons discussed below, these rejections are respectfully traversed.

Claim 1 has been amended to recite that the first end portion for supporting a golf ball thereon and the height adjustment member positioned on the shaft portion, are both generally round, and that the shaft portion includes nine (9) vertically spaced slots. Claim 13 has likewise been amended to recite that the disc member is round, and that the shaft portion includes nine (9) vertically spaced slots.

In the Office Action, the Examiner stated that it would have been obvious to one of ordinary skill in the art to form the tee of Strong with nine slots in order to provide a wide variety of height for the user to tee the ball.

It is respectfully submitted that Strong provides eight (8) notches 36, 38, 40, 42, 44, 46, 48 and 50, along the length of the elongated member 24 of the tee, which have been selected to correspond to "standard" golf club head sizes to permit optimum positioning of the golf ball with respect to each (see Column 2, lines 42-52 and Column 3, lines 15-22 of Strong). In other words, Strong does not teach or suggest providing more than eight notches on his tee. Further, in view of the selection of eight (8) notches by Strong, based on standard club head sizes, one of ordinary skill in the art would not be motivated to modify Strong's tee. Accordingly, it is respectfully submitted that Strong teaches away from the claimed tee wherein more than eight, i.e., nine (9) slots, are provided.

In view of the foregoing, it is respectfully submitted that Claims 1-11 and 13-19 are neither anticipated by nor obvious over Strong, Antonious, Vlach, Cabot and Thompson. Therefore, it is respectfully requested that the rejections of these Claims over these references be withdrawn.

INFORMATION DISCLOSURE STATEMENT

The Examiner is respectfully requested to return an initialled copy of Form PTO-1449B submitted with an Information Disclosure Statement filed with the application on August 1, 2003.

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Amendment dated September 1, 2004
Reply to Office Action of June 3, 2004

The Examiner is further respectfully requested to review and consider and make of record the references cited by the Examiner in the co-pending application Serial No.: 10/631,802, filed August 1, 2003, in an Office Action dated June 2, 2004. A separate Second Supplemental Information Disclosure Statement, along with Form 1449B/PTO for that purpose, is enclosed herewith for the Examiner's convenience.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that Claims 1-11 and 13-19 are in condition for allowance. Withdrawal of the rejections and allowance of these claims are respectfully solicited.

It is believed that no additional fee is due for this submission. Should that determination be incorrect, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to our Deposit Account No. 01-0433, and notify the undersigned in due course.

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Should the Examiner have any questions or wish to discuss further this matter,
please contact the undersigned at the telephone number provided below.

Respectfully submitted,



DINESH AGARWAL
Attorney for Applicant(s)
Reg. No. 31,809

Law Office - Dinesh Agarwal, P.C.
5350 Shawnee Road, Suite 330
Alexandria, Virginia 22312
Telephone: (703) 642-9400
Fax: (703) 642-9402
DA/jv